

Senate File 391

S-3039

Amend Senate File 391 as follows:

1. By striking everything after the enacting clause and inserting:

<Section 1. Section 85.16, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 4. By the employee's willful violation of an employment policy or procedure of the employer, if the willful violation was a substantial factor in causing the injury.

Sec. 2. Section 85.33, subsection 3, Code 2013, is amended to read as follows:

3. a. If an employee is temporarily, partially disabled and the employer for whom the employee was working at the time of injury offers to the employee suitable work consistent with the employee's disability the employee shall accept the suitable work, and be compensated with temporary partial benefits. If the employee refuses to accept the suitable work with the same employer, the employee shall not be compensated with temporary partial, temporary total, or healing period benefits during the period of the refusal. If suitable work is not offered by the employer for whom the employee was working at the time of the injury and the employee who is temporarily partially disabled elects to perform work with a different employer, the employee shall be compensated with temporary partial benefits. For the purposes of this subsection, work offered to an employee shall be considered suitable work consistent with the employee's disability if the work offered meets all of the following requirements:

(1) The work offered can be reasonably performed within the employee's educational ability, training, and vocational experience.

(2) The work offered is consistent with the employee's medical restrictions.

b. For the purposes of paragraph "c", a traveling employee is an employee whose regular work duties regularly require the employee to be away from the employee's residence for more than the majority of the work week.

c. For the purposes of this subsection, work offered to a traveling employee shall be considered suitable work consistent with the employee's disability if the following additional requirements are met:

(1) Unless otherwise contractually agreed between the employer and the employee before the injury, the geographic location of the work offered by an employer to a traveling employee may be considered only if the work offered does any of the following:

(a) Requires a commute or other travel beyond the

1 physical capacity of the traveling employee.  
2 (b) Requires the traveling employee to spend  
3 substantially more time away from the traveling  
4 employee's residence than the traveling employee's  
5 regular work duties and schedule.  
6 (2) If an employer offers suitable work consistent  
7 with the employee's disability to a traveling  
8 employee that requires the traveling employee to  
9 spend substantially more time away from the traveling  
10 employee's residence than the traveling employee's  
11 regular work duties, the employer shall notify the  
12 traveling employee in writing of all of the following:  
13 (a) The nature of the work duties and physical  
14 requirements of the proposed suitable work.  
15 (b) The geographic location of the proposed  
16 suitable work offered, if the location will be  
17 substantially different than the location of the  
18 traveling employee's regular work.  
19 (c) The possible suspension of temporary partial,  
20 temporary total, or healing period benefits if the  
21 traveling employee refuses the proposed suitable work  
22 offered.  
23 (3) The employer shall deliver written notice of  
24 suitable work consistent with the employee's disability  
25 offered to the traveling employee, by mail, or by  
26 personal or electronic delivery.  
27 (4) Within seven days after the employer mails to  
28 the traveling employee written notice of the suitable  
29 work offered, or within three days after the employer  
30 personally or electronically delivers to the traveling  
31 employee a written notice of suitable work offered,  
32 whichever is earlier, the traveling employee shall  
33 either accept the offer of suitable work or shall  
34 refuse the offer of suitable work, in written or  
35 electronic form, stating the basis for the employee's  
36 refusal.  
37 d. This subsection shall not be construed to create  
38 a new legal claim or cause of action or to extinguish  
39 or modify any existing legal claim or cause of action.  
40 Sec. 3. APPLICABILITY. The section of this Act  
41 amending section 85.16 applies to injuries that occur  
42 on or after July 1, 2013.  
43 Sec. 4. APPLICABILITY. The section of this Act  
44 amending section 85.33, subsection 3, applies to offers  
45 of suitable work made on or after July 1, 2013.>  
46 2. Title page, by striking line 1 and inserting <An  
47 Act relating to the allowance of workers' compensation  
48 benefits for certain>  
49 3. By renumbering as necessary.

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JAKE CHAPMAN